

“First Study Commission of IAJ-UIM

Questionnaire 2015

“The relationship between effective management of the courts and the delivery of justice by independent judges”

In preparation of the questionnaire 2015 the presidency of the First Study Commission decided to

- (a) identify possible aspects of the topic;
- (b) examine already existing opinions, statements etc. on these aspects; and
- (c) formulate questions regarding the different aspects (taking into account already existing opinions, statements, etc).

a) Possible Aspects:

- 1. Case allocation:
 - 1. who allocates the cases;
 - 2. how they are allocated.
- 2. Management measures:
 - 1. increasing output;
 - 2. diminishing handling time;
 - 3. fostering coherence.
- 3. Performance appraisal:
 - 1. quality;
 - 2. quantity;
- 4. Working conditions
 - 1. in general (workload measures, office hours, regulations concerning holidays, etc.);
 - 2. time for writing judgments;
 - 3. time allocated to professional development;
 - 4. resources (law clerks, etc.)
 - 5. position / competences of the president of the court / chamber
 - 6. problems regarding the judicial deliberation

b) Existing Documents¹

- 1. 1st Study Commission Conclusions 1981
The Bangalore Principles of Judicial Conduct, ch. 216, 217
Recommendation CM/Rec (2010)12 of the Committee of Ministers to member states on judges: independence, efficiency and responsibilities, in part. ch.18, 24, 43
International Bar Association (IBA) Minimum Standards of Judicial Independence, in part. ch 11
- 2. 1st Study Commission Conclusions 1997
1st Study Commission Conclusions 1998
1st Study Commission Conclusions 2000 (ad 3. coherence)
cf. also Recommendation No. R (94) 12 of the Committee of Ministers to member states on independence, efficiency and role of judges, in part. ch. 17
- 3. Consultative Council of European Judges Op. N 17
cf. also Opinion no 1 (2001) of the Consultative Council of European Judges (CCJE) for the

¹ The focus of the exploration was laid upon earlier Conclusions of the First Study Commission. Those documents can be found on the website www.iaj-uim.org The opinions of the Committee of Ministers can be found on the website https://www.coe.int/t/cm/home_en.asp The opinions of the Consultative Council of European Judges can be found on the website www.coe.int/ccj All documents (except Op. no 17 of the CCJE) can be found in Stephan Gass, Regina Kiener/Thomas Stadelmann, Standards on Judicial Independence, Berne 2013 (weblaw.ch) as well.

attention of the Committee of Ministers of the Council of Europe on standards concerning the independence of the judiciary and the non-removability of judges;
African Commission on Human and Peoples' Rights Principles and Guidelines on The Rights to a fair Trial and Legal Assistance in Africa, Independent Tribunal,² in part. lit. g
Kyiv Recommendations on Judicial Independence in Eastern Europe, South Caucasus and Central Asia³, in part. ch. 27;
THE BANGALORE PRINCIPLES OF JUDICIAL CONDUCT⁴, in part. ch. 40, 42;
1st Study Commission Conclusions 1995;
1st Study Commission Conclusions 2000;
See also for Europe: Thomas Stadelmann/Stephan Gass/Richard McCombe, Performance Appraisal of the Judiciary and Judicial Independence, Zürich/St. Gallen 2015 (www.dike.ch).

4. 1st Study Commission Conclusions 2000
1st Study Commission Conclusions 2001 (ad 2. presidents)

c) Questions:

Please answer the questions for your judicial system drawing, to the extent possible, on your own actual experiences.

0. Preliminary Question: Are there any aspects [see a) above] missing regarding our topic for this year, which should be treated?
1. Please specify – in note form – your case allocation system (in particular who is responsible for case allocation and how it is done, whether account is taken of any special abilities or interests of the judge and how the appearance of impartiality or neutrality is maintained). What are the advantages of your system? What are shortcomings of the system, especially regarding judicial independence?
2. What measures to increase output and/or diminish handling time are in use or planned in your Courts?
How do these measures affect judicial independence?
3. Do you have performance appraisal, regarding quality or quantity of judicial work performed? What are the advantages of these measures? What are disadvantages/shortcomings, especially regarding judicial independence?
4. Please identify shortcomings of the actual working conditions? What are positive effects of measures taken, regarding working conditions?
[Please take into consideration the different aspects mentioned above at a) 4.]

Question regarding the selection of the topic for 2016

According to the guidelines of the First Study Commission, the presidency of the commission calls on the member associations for proposals for the following year well in advance of the next meeting. We therefore invite you to deliver proposals within the deadline mentioned below. If proposing a topic, please add some keywords to describe your topic.

Deadline: 5th of July 2015

Address: Please send your answers to **first_sc@iaj-uim.org**

² http://www.achpr.org/english/resolutions/resolution26_en.html.

³ <http://www.osce.org/odihr/73487>.

⁴ http://www.unodc.org/pdf/corruption/corruption_judicial_res_e.pdf.

The presidency of the First Study Commission of IAJ-UIM